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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/858,017	05/14/2001	Sangeeta Varma	0007056-0212/P6314	4875

7590

02/08/2006

MARTINE & PENILLA LLP  
710 Lakeway Drive #170  
Sunnyvale, CA 94085

EXAMINER
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GELAGAY, SHEWAYE

ART UNIT	PAPER NUMBER
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2137

DATE MAILED: 02/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action  
Before the Filing of an Appeal Brief**

Application No.

09/858,017

Applicant(s)

VARMA ET AL.

Examiner

Shewaye Gelagay

Art Unit

2137

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 10 January 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.  
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: \_\_\_\_\_.  
Claim(s) objected to: 35-41.  
Claim(s) rejected: 1-3, 8, 9, 11-16, 19, 23-25, 34 and 42-50.  
Claim(s) withdrawn from consideration: \_\_\_\_\_.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.  
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). \_\_\_\_\_.  
13. ☐ Other: \_\_\_\_\_.

  
**EMMANUEL L. MOISE**  
SUPERVISORY PATENT EXAMINER

Continuation of 11. does NOT place the application in condition for allowance because: The Applicant argues Stoltz et al. (U.S. Patent 6,615,264) does not disclose one or more tokens can be converted to the authenticated token that is in turn used to associate the user with the session. The Examiner disagrees and maintains the rejection. Stoltz discloses an authentication system that is configured to authenticate a user based on a different authentication mechanism (e.g. smart card, login, password or biometrics) and may be utilized in connection with one or more sessions. (Abstract) Furthermore, Stoltz discloses a user may access a session by initiating a login or other authentication mechanism, in which the user is validated and may be associated with a particular session. (Col. 7, lines 61-Col. 8, lines 1-6) The Applicant argues Stoltz fails to disclose a user is assigned one or more tokens, each of which can be converted to the authenticated token. The Examiner disagrees and maintains all the rejections. Stoltz discloses a user may access a session by initiating a login or other authentication mechanism; tokens may be encoded into smart cards. (Col. 7, lines 61-63). Stoltz further discloses an authentication modules may be structured for any mechanism that verifies the identity of the user to the system. A key or password or biometrics can be used to authenticate a user based on a smart card while another authentication my be utilized to authenticate a user based on a key or password or biometrics information. (Col. 9, lines 17-40) The Applicant argues Stoltz does not disclose the user can access the same session on the second terminal while the session is still being accessed by the first terminal. The Examiner disagrees and maintains the rejections. Stoltz discloses authenticating and relocating a user's session based on the current location of the user without requiring performing user validation. (Col. 7, lines 16-20) In addition Stoltz further discloses a user may be associated with a particular session (Col. 8, lines 1-2) The Applicant argued Stoltz can not be regarded under 35 U.S.C. 102(E). Stoltz anticipates each and every claim limitation as required under 35 U.S.C. 102(e) as stated in the previous Office Action except for claims 35-41 which are objected for being dependent on a rejected claim.

Therefore, all the elements of the claims limitation is explicitly or implicitly or inherently suggested and disclosed by Stoltz, the reference on the record and the final rejection remains valid unless and otherwise the applicant added a specific limitation in to the present independent claims, to overcome the rejection without introducing a new matter.